

ERICK AND NICOLE AMMON,)	AGBCA No. 2000-137-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Erick Ammon)	
P.O. Box 531)	
Salyer, California 95563-0531)	
)	
Representing the Government:)	
)	
James E. Andrews)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
33 New Montgomery, 17 th Floor)	
San Francisco, California 94105-4511)	

DECISION OF THE BOARD OF CONTRACT APPEALS

 May 23, 2000

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal arises out of an Emergency Equipment Rental Agreement No. 56-9A28-1999-0299 (the EERA) between Erick and Nicole Ammon of Salyer, California (Appellant)¹ and the Forest Service (FS), U. S. Department of Agriculture, Shasta-Trinity National Forest, Redding, California. Appellant claimed \$2,217.50 for mileage at the rate of \$1.25 per mile in addition to the hourly rate of \$60 previously paid for use of Appellant’s vehicle during the Megram Fire at Orleans, California. The CO denied the claim in a decision dated December 28, 1999. Appellant filed a timely appeal. The Board has jurisdiction under the Contract Disputes Act, 41 U.S.C. §§ 601-613.

¹ The EERA identified the contractor as Erick and Nicole Ammon and the Contracting Officer’s (CO’s) decision was addressed to them jointly. Erick Ammon signed the EERA and the invoice was submitted in his name alone. The Notice of Appeal was on the letterhead of “Erick Ammon Inc.,” but signed by Erick Ammon, Owner-Operator. The Board originally docketed this appeal in the name of Erick Ammon Inc. However, examination of the present records leads to the conclusion that Erick and Nicole Ammon is the correct caption for the appeal.

Prior to the filing of pleadings, by letter dated April 17, 2000, Government counsel informed the Board that the appeal had been settled and that a request for dismissal would be forwarded when signed by both parties. The Board has now received a request for dismissal signed by both parties.

DECISION

In accordance with the request of the parties, the appeal is dismissed with prejudice.

ANNE W. WESTBROOK

Concurring:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
May 23, 2000